

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
CIVIL DIVISION**

JEWEL BULLOCK JONES,

Plaintiff,

Case No. 2:18-CV-00639-MSD-DEM

v.

STERLING,

Defendant.

**DEFENDANT STERLING JEWELERS INC.'S
ANSWER AND DEFENSES TO THE PLAINTIFF'S AMENDED COMPLAINT**

Defendant Sterling Jewelers Inc. ("Sterling"), improperly named in the Complaint as "Sterling"), by and through undersigned counsel and pursuant to Rule 12 of the *Federal Rules of Civil Procedure*, hereby files its Answer and Defenses to the Plaintiff's Amended Complaint, and states:

ANSWER TO THE COMPLAINT

1. Admitted that Plaintiff attempts to bring an action under the Fair Credit Reporting Act. Denied that Sterling violated the Fair Credit Reporting Act or that Plaintiff is entitled to succeed on any claims.

2. Admitted for jurisdictional purposes only. Otherwise, denied.

3. Without knowledge and therefore denied.

COUNT I

VIOLATION OF THE FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681

WILLFUL NON-COMPLIANCE BY DEFENDANT STERLING

4. Without knowledge and therefore denied.

5. Without knowledge and therefore denied.
6. Denied.
7. Denied.
8. Denied that Plaintiff is entitled to any damages or relief of any kind.

COUNT II

VIOLATION OF THE FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681

NEGLIGENT NON-COMPLIANCE BY DEFENDANT STERLING

9. Without knowledge and therefore denied.
10. Without knowledge and therefore denied.
11. Denied.
12. Denied that Plaintiff is entitled to any damages or relief of any kind.

PRAYER FOR RELIEF

13. Denied that Plaintiff is entitled to any damages or relief of any kind.
14. Denied that Plaintiff is entitled to any damages or relief of any kind.
15. Denied that Plaintiff is entitled to any damages or relief of any kind.
16. Denied that Plaintiff is entitled to any damages or relief of any kind.
17. Denied that Plaintiff is entitled to any damages or relief of any kind.

AFFIRMATIVE AND OTHER DEFENSES

FIRST DEFENSE – LACK OF STANDING

18. The Plaintiff has not alleged or suffered actual harm and has not alleged or suffered a concrete injury sufficient to establish standing under Article III of the United States Constitution.

SECOND DEFENSE

FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED

19. Counts I and II of the Complaint both fail to state a claim for violation of the Fair Credit Reporting Act.

THIRD DEFENSE – CONSENT OBTAINED

20. The Plaintiff gave Sterling consent for Sterling to obtain a copy of the Plaintiff's credit report in connection with an application for an extension of credit to Plaintiff. Thus, Sterling did not violate the Fair Credit Reporting Act.

FOURTH DEFENSE – LACK OF DAMAGES

21. Count II of the Complaint fails because the Plaintiff did not suffer any actual damages.

DEMAND FOR ATTORNEYS' FEES AND COSTS

Pursuant to 15 U.S.C. 1681n(c) and 15 U.S.C. 1681o(b), Sterling hereby demands an award of its attorneys' fees and costs incurred in this action.

DATED: March 1, 2019.

Respectfully submitted,

/s/ Joshua A. Mize

Joshua A. Mize, Esq.

Virginia Bar No. 90413

MIZE LAW, PLLC

110 Front Street, Suite 300

Jupiter, FL 33477

Phone: (407) 913-6800

Fax: (407) 604-7410

jmize@mize.law

*Attorney for the Defendant,
Sterling Jewelers Inc.*